

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Herrera Estrella

Serial No.: 09/701,589


Filed: November 29, 2000

) PROCESS FOR OBTAINING TRANSGENIC
) PLANTS HAVING IMPROVED NUTRIENT
) UPTAKE CAPACITY AND TOLERANCE TO
) TOXIC COMPOUNDS PRESENT IN SOILS
)
) Attorney Docket: TJK/137
)
) Group Art Unit:
)

Examiner:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on Feb 9, 2001.



Timothy J. Keefer
Attorney for Applicants
Reg. No. 35,567

Date of Signature: Feb 9, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Dear Sir:

Please find enclosed the following in the above referenced patent application:

1. Executed Combined Declaration and Power of Attorney;
2. Check for \$130.00 in payment of missing parts filing fee (applicant is large entity status);
3. Duplicate Notice to File Missing Parts of Application.

Please acknowledge receipt of the above by returning the enclosed stamped, self-addressed receipt postcard.

02/15/2001 NGUYEN 00000124 09701589

01 FC:154

130.00 DP

Please charge any additional fees to **Deposit Account No. 23-2126**. A duplicate of this transmittal is enclosed.

Respectfully submitted,



Attorney for Applicant(s)

2/9/01

Timothy J. Keefer
225 West Wacker Drive
Chicago, Illinois 60606
Reg. No. 35,567

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Reg. No. 35,567

Date of Signature: Feb 9, 2001

Assistant Commissioner for Patents

Washington, D.C. 20231

REPLY TO MISSING PARTS

Dear Sir:

This is in reply to the missing parts notice mailed January 9, 2001 in the referenced application noting that the originally executed Oath and Declaration are provided herewith accompanied by the statutory surcharge in view of PCT/DO/EO/917.

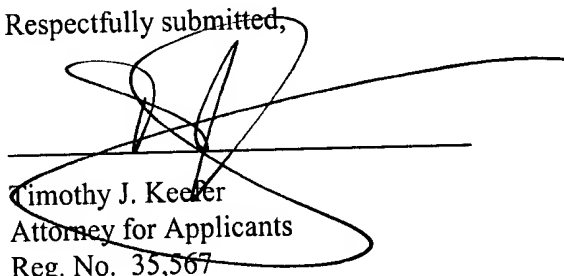
Additionally, Form PCT/DO/EO/913 was mailed on even date. In reply to the box checked in indicating that the number of claims in the International Application and number of claims in the translation are not the same, Applicant replies as follows:

The claims from the International Application number 58 while the US. national application as filed bearing US Serial No. 09/701,589 contains 146 claims. Applicant, through their representative states that the claim set as presented for filing before the U.S. PTO is merely reflective of the originally filed claims being put in proper order for filing before the U.S. PTO. Namely, a number of original claims which contained multiple dependencies were amended such that the claims containing multiple dependencies have been amended to recite the subject matter of the original multi-dependent claim as a singly dependent claim. As most of the claims containing multiple dependencies referred back to 10 claims, the resulting number of claims as filed in the instant application now number 146.

The Applicant through their undersigned representative states on the record that this is the only reason for the increase in the number of claims from the International Application to the instant application. No new matter has been added.

Should the Office desire a detailed schedule of amendments, there would be no problem in providing the same. It is requested however, that this paper be considered responsive to the outstanding missing parts requirement.

Respectfully submitted,


Timothy J. Keefer
Attorney for Applicants
Reg. No. 35,567

Dated: 2/9, 2001

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO.
09/701589	HERRERA ESTRELLA	L TJK/137
INTERNATIONAL APPLICATION NO.		
PCT/MX98/00020		
INT. FILING DATE	PRIORITY DATE	
29 MAY 98		
DATE MAILED: 09 JAN 2001		

TIMOTHY J KEEFER
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NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☒ a Designated Office (37 CFR 1.494).
- ☐ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☒ a non-English language.
 - ☐ English.
- ☒ Translation of the international application into English.
- ☒ Oath or Declaration of inventor(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed _____ and _____.
- ☐ Information Disclosure Statement(s) filed _____ and _____.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____.
- ☒ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☒ Copy of the International Search Report ☐ and copies of the references cited therein.
- ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:
☒ PCT/DO/EO/917
☐ PTO-875
☒ Notice of Defective Translation
FORM PCT/DO/EO/905 (December 1997)

Anita D. Johnson
Telephone: 703-305-3661



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

APPLICATION NO.

ATTACHMENT TO FORM PCT/DO/EO

09/701589

NOTICE OF DEFECTIVE TRANSLATION

received translation is defective because:

- ☐ (1) The text in the drawings has not been properly translated;
- ☒ (2) The number of claims in the International Application and the number of claims in the translation are not the same;
- ☐ (3) The translation of the International Application is incomplete as a number of pages are missing;
- ☐ (4) Other.

Anita D. Johnson

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